

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Office of Zoning

D

Application No. 16553-D of the George Washington University, pursuant to 11 DCMR § 3104.2, for a special exception for the review and approval of the University Foggy Bottom Campus Plan – Years 2000-2010 under Sections 210 and 507. The boundaries are as follows: Pennsylvania Avenue on the north; 19th, H, 20th, and G Streets on the east; F Street on the south; and 23rd, G and 24th Streets on the west, and also includes a portion of Square 122 extending south of F Street along 19th Street, N.W. Within the campus plan boundaries, the property owned by the University is devoted to a variety of University uses, including but not limited to classroom, dormitory, library, research, office, support, assembly, athletic, and hospital purposes. These uses would be continued under the Campus Plan in a variety of existing and new buildings in the R-5-D, R-5-E, C-3-C, and SP-2 Districts: Square 39, Lot 803, Square 40, Lot 36, Square 41, Lot 40, Square 42, Lots 54 and 55, Square 54, Lot 30, Square 55, Lots 28, 854, and 855, Square 56, Lots 30 and 31, Square 57, Lots 55 and 56, Square 75, Lots 23, 33, 34, 41, 42, 46, 47, 858, 961, 863, and 864, Square 77, Lots 5, 59, 60, 845, 846, and 864, Square 79, Lots 63, 64, 65, 808, 853, 854, 861, and 862, Square 80, Lots 2, 26, 27, 28, 29, 42, 45, 46, 47, 50, 51, 52, 54, 55, 800, 811, 820, 821, 823, 824, 825, and 828, Square 101, Lots 58, 60, 62, and 879, Square 102, Lot 46, Square 103, Lots 1, 13, 27, 28, 33, 35, 40, 812, 813, 814, 816, 817, 818, 819, and 820, Square 119, Lot 26, Square 121, Lot 819, Square 122, Lots 824 and 825; these Squares are within the campus plan boundaries; Square 39, Lot 77, Square 40, Lot 79, Square 41, Lot 80, Square 42, Lot 101, Square 54, Lot 102, Square 55, Lot 103, Square 56, Lot 119, Square 57, Lot 121 (part only), Square 75, Lot 122 (part only).

HEARING DATES: April 26, 2000, September 13, and September 26, 2000

DECISION DATES: December 12, 2000 and February 13, 2001

ORDER DATE: March 29, 2001

ORDER ON FACT-FINDING HEARING

By Order issued March 29, 2001, the Board approved the University Campus Plan until June 30, 2009, subject to conditions intended to mitigate past and minimize future adverse impacts arising from the location of a university use in a residentially zoned district. On April 30, 2001, George Washington University (hereinafter “University” or “Applicant”) filed a petition for review of the Order in the District of Columbia Court of Appeals. *See George Washington University v. District of Columbia Board of Zoning Adjustment*, No. 01-AA-571. On July 18, 2001, the Board requested an immediate remand of the case for further proceedings, and the request was granted by the Court of Appeals on July 31, 2001.

By Order issued August 3, 2001, the Board adopted a schedule for further proceedings with respect to the Application. The Board strongly encouraged the parties¹ to reach a settlement in agreement of the outstanding areas of dispute with respect to the University Campus Plan in advance of the Board's forthcoming remand proceeding. The parties were directed to meet and confer for purposes of discussing a possible settlement, and to report to the Board indicating the areas of agreement reached and the issues that remain in dispute. Submissions were received September 12, 2001 from the Applicant and from the Foggy Bottom Association.

By Order issued August 8, 2001, the Board directed the Applicant to respond to certain questions intended to elicit relevant facts for the Board's consideration of a possible modification of its original order conditionally approving the 2000 Campus Plan. The Applicant submitted its response in two parts, filed August 31 and September 7, 2001.

Pursuant to its August 3rd Order, the Board will conduct a fact-finding hearing on the factual issues raised in the Order issued August 8, 2001, and the Applicant's responses thereto. The hearing is scheduled to be held September 17, 2001, from 9:00 AM to 1:30 PM and September 21, 2001, from 9:00 AM to 12:00 PM. By this Order, the Board establishes the scope and procedure of the fact-finding hearing.

The fact-finding hearing will be conducted as follows:

- 1) The Applicant will have an opportunity to elaborate upon or supplement the information provided in its responses to the Board's inquiries posed in the Order issued August 8, 2001.
- 2) The Office of Planning and other parties will have an opportunity to cross-examine the Applicant's witnesses identified in paragraph 8 of this Order with respect to the information filed by the Applicant on August 31 and September 7, 2001. No questioning outside the scope of the Applicant's responses will be permitted. The Board may also pose questions to the Applicant's witnesses.
- 3) The Office of Planning and other parties will have an opportunity to present testimony and evidence pertaining to the factual information and evidence requested in the Board's Order issued August 8, 2001, subject to cross-examination by the Applicant and questions from the Board.
- 4) The Applicant will have an opportunity to rebut any testimony or evidence presented by the parties and the Office of Planning.

¹ The parties in this proceeding are the Applicant, Advisory Neighborhood Commission (ANC) 2A, the Foggy Bottom Association, the Monroe House Condominium Association, Stephen Mandelbaum, James McLeod, Dorothy Miller, Barbara Spillinger, and Maria Tyler. The Office of Planning also participated in the proceeding. For ease of reference, further use of the term "parties" includes the Office of Planning.

- 5) The Board will impose and enforce reasonable time limits on testimony and cross examination.
- 6) No person may testify unless called by a party.
- 7) To ensure that the fact-finding can proceed expeditiously, the Board requests the Applicant to provide as witnesses those persons relied upon in formulating the information submitted by the Applicant in response to the Board's written inquiries. The Board suggests that such additional witnesses include the University's Director of Admissions, Registrar (or his or her designate), Director of the Office of Residential Life, and witnesses who can speak on behalf of the University with respect to University's plans to acquire and construct administrative, academic, residential, and other non-investment University facilities during the term of the current Campus Plan and (b) the relationship of tuition to the University's ability to acquire and construct such facilities.

Accordingly, it is **ORDERED** that the Board **GRANT** the issuance of this Order.

VOTE: **3-0-2** (Geoffrey H. Griffis, Sheila Cross Reid and David W. Levy to **APPROVE**, Anne M. Renshaw and Carol J. Mitten not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member has approved the issuance of this Order.

ATTESTED BY:


JERRILY R. KRESS, FAIA
Director

Final Date of Order: SEP 13 2001

PURSUANT TO 11 DCMR §3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR §3125.9.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16553-D

As Director of the Office of Zoning, I hereby certify and attest that on SEP 13 2001, a copy of the foregoing Order regarding BZA Application 16553 was mailed first class, postage prepaid, to each party and public agency who appeared and participated in the public hearing concerning this matter, and who is listed below:

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Maria Tyler, Commissioner
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BZA
Case No. 16553 D
Exhibit No. 305

Dorothy Miller, Commissioner
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Attested by:


JERRILY R. KRESS, FAIA
Director